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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/047,169

01/12/2002

William P. Apps

2046

4362

33171

7590

05/19/2004

KONSTANTINE J. DIAMOND
4010 E. 26TH STREET
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EXAMINER

MEREK, JOSEPH C

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,169

Applicant(s)

APPS ET AL.

Examiner

Joseph C. Merek

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/17/04 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the flange is deflected in a plane generally perpendicular to the axis upon insertion of the upper hinge portion into the first lower portion" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 3727

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 8, 12-14, 16, 17, and 19-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 1, it has not been adequately disclosed that the flange is deflected in a plane generally perpendicular to the axis upon insertion of the first upper hinge portion into the first lower hinge portion. The written description only references that the flange deflects slightly inward. It has not been adequately disclosed that the direction of the movement is in a direction not parallel to the axis about which the side wall pivots relative to the base. Regarding claim 5 it has not been adequately disclosed that the stop portion is deflected in a direction generally perpendicular to the axis upon insertion of the first upper hinge portion into the first lower hinge portion. The disclosure states that the lower hinge portion flexes and deforms slightly inward allowing the upper hinge to move downwardly. There is no reference to the direction being perpendicular to the axis. Regarding claim 12, it has not been adequately disclosed that the removal of the upper hinge portion is prevented in the second position. The written description states that the hinge is securely retained therein but it does not state that the hinge cannot be removed in this position. Regarding claims 16 and 24, the disclosure does not set forth the claimed relationship. Regarding claim 17, the disclosure does not set forth the snap-fit relationship. Regarding claim 19, the disclosure does not describe that the latch portion

snaps. Regarding claim 20, it has not been adequately disclosed how the arms are angling inwardly and away from one and another. Regarding claims 22 and 28, the disclosure does not describe the unlatching without manually actuating a release for the latch striker portion and latch receiver portions. Regarding claim 23, the disclosure does not set forth the perpendicular relationship regarding the limiting lateral movement. The disclosure does not set forth that the flange is deflected in a plane perpendicular to the axis of the hinge. The written description does not state that the direction is not parallel to the axis of the hinge. Regarding claim 27, the disclosure does not describe the at least one of the plurality of beveled surface of the latch striker portion flexing. The disclosure only describes the receiver as flexing. Regarding claim 30, the disclosure does not set forth the interference portion that snaps behind the latch striker portion upon insertion of the latch striker portion into the latch receiver portion. The disclosure does not state that the interference part snaps behind the other part.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

Art Unit: 3727

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 3, 4, 10-15, 17-19, 23-26 and 27-30 are rejected under 35

U.S.C. 102(e) as being anticipated by Overholt (US 56,631,822). Regarding claims 1 and 23, see Figs. 1-15, where the structure is shown. The movement will be perpendicular to the axis as claimed. Regarding claim 3, the second upper member is adjacent the first upper member. Regarding claim 4, see Fig. 18. The latches hold the strikers securely. Regarding claim 9, the flange extends downwardly as seen in Fig. 15. Regarding claims 10-12, see Fig. 15. Regarding claims 13 and 14, see Fig. 11 where the arms are shown and are capable of performing the claimed function. Regarding claim 14, there is an arm on each end of the hinge member. Moreover, there are arms on the two portions as seen in Fig. 11. Regarding claims 15 and 26, see Fig. 15 where the concave surface is shown. Regarding claim 17, as it is best understood, the striker and the latch are a snap fit. Regarding claim 18, the beveled surface will flex. Regarding claim 19, there is an interference portion. Regarding claim 24, the hinge will limit movement in the claimed direction. Regarding claim 25, see Fig. 15. Regarding claim 27-30, see Fig. 18.

Claims 1-10, 15-24, and 27-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Mouri (JP 2001-130554). Regarding claims 1 and 2, see Fig. 14. Regarding claim 3, see Figs. 5 where the upper members are adjacent to each other. Regarding claim 4, see Fig. 10. Regarding claims 5-10, see Figs. 14 and 15. Regarding claim 15, see Fig. 15. Regarding claim 16, see Fig. 5. Regarding claim 17, see Fig. 10

where the snap fit occurs. Regarding claims 18-22, see Fig. 10 where the structure is shown and is capable of performing as claimed. Regarding claim 23, see Fig. 14 and 15. Regarding claims 24, see Fig. 5. Regarding claim 27-30, see Fig. 10.

Response to Arguments

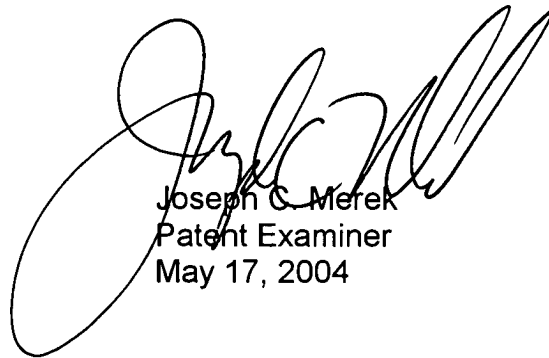
Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph C. Merck
Patent Examiner
May 17, 2004